

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 879 - HB 1355

March 5, 2017

SUMMARY OF BILL: Repeals *Public Chapter 848* of the *Public Acts of 2016* which required a court to award reasonable attorney's fees and costs to a state or local government employee under certain circumstances. Requires the attorney's fees and costs be paid to the state or other governmental entity, if the state or other governmental entity agrees to represent, or retain and pay for counsel, to represent the employee sued in an individual capacity.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- *Public Chapter 848* of the *Public Acts of 2016* established that if a claim was filed against a state or local government employee in their individual capacity, and the claim arises from actions or omission of the employee acting in an official capacity, and the employee prevails in the proceeding, then reasonable attorney's fees and costs would be awarded to the employee.
- Removing the required award of attorney's fees and costs to a private citizen will not result in any significant impact to state or local government.
- *Public Chapter 848* also established that if a state or local government entity represents the state or local government employee sued in an individual capacity and the employee prevails in the proceeding, then reasonable attorney's fees and costs would be awarded to the employee.
- While there have been cases in which a government has represented an employee sued in their individual capacity, it is reasonably assumed that since the enactment of *Public Chapter 848* no significant awards to state or local government have been made; therefore, any fiscal impact to state and local government is estimated to be not significant.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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